



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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September 8, 2014

Via Electronic Mail Only

Mr. Dale Harvey
Senior Engineer
Regional Water Quality Control Board,
Central Valley Region
1685 E Street
Fresno, CA 93706
dale.harvey@waterboards.ca.gov

RE: Comments on the Tentative Waste Discharge Requirements for City of Huron Wastewater Treatment Facility, Fresno County

Dear Mr. Harvey:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the tentative Waste Discharge Requirements for the City of Huron (City) Wastewater Treatment Facility (Tentative Order). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide the following comments regarding several of the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) proposed provisions, and request revisions as indicated here.

I. Effluent Limitation B.3

CVCWA appreciates that it appears to be the Central Valley Water Board's intent to include a time schedule for compliance with Effluent Limitation B.3, and that the City cannot currently comply with Effluent Limitation B.3. However, as included in the Tentative Order, and with respect to the reference to Tentative Order Provision F.20, the proposed language does not clearly indicate that the City is not required to immediately comply with Effluent Limitation B.3.

To ensure that there is a clear linkage between Effluent Limitation B.3 and the time schedule provisions in F.20, CVCWA recommends that the following language be added to Effluent Limitation B.3:

If the effluent does not meet this limitation, the City is considered to be in compliance with this Order provided that the City is in compliance with Provision F.20 of this Order.

II. Discharge Specification C.2

The inclusion of discharge specification C.2 is duplicative and unnecessary. This specification establishes a requirement to comply with the groundwater limitations contained in the Tentative Order. However, the groundwater limitations are an independent requirement; thus, it is unnecessary to include a separate discharge specification requiring compliance therewith.

Further, CVCWA is concerned with the inclusion of reference to “mass” as part of the discharge specifications for complying with groundwater limitations. The groundwater limitations are concentration-based requirements that are consistent with adopted water quality objectives. Such objectives, or criteria interpreting narrative objectives, are concentration-based objectives, and therefore it is inappropriate to include reference to “mass” with respect to compliance with groundwater limitations.

III. Provision F.18

CVCWA supports Provision F.18, which provides the City with the opportunity to explore potential recycled water opportunities near the wastewater treatment facility. However, the proposed time allotted for conducting such investigations is not sufficient. As currently written, it appears that the City would need to conduct its investigation, prepare a Report of Waste Discharge, prepare a Title 22 Engineering Report, and receive notification from the Division of Public Health that the Title 22 Engineering Report is complete, all within 180 days from adoption of the Tentative Order. Considering the amount of effort that goes into such investigations, as well as in preparing a Report of Waste Discharge and Title 22 Engineering Reports, the proposed 180 days is clearly insufficient. Also, the City has no control over staffing and resources at the Division of Public Health; thus, the City cannot guarantee that it will receive approval and notification from the Division of Public Health within the timeframe proposed.

To ensure that the City has sufficient time to accomplish all that is required in this provision, CVCWA recommends that the City be allotted 365 days to fully explore such recycled water opportunities, and then an additional 365 days to prepare and submit the Report of Waste Discharge and Title 22 Engineering Report, if recycled water opportunities are available. The City’s obligation should end upon submittal of the Report of Waste Discharge and Title 22 Engineering Report because the City has no control over timely review of such documents by other agencies.

IV. Provision F.19

With respect to Provision F.19, to the extent that the City determines that use of its treated effluent as recycled water is feasible, and accordingly it decides to submit a Report of Waste Discharge

and Title 22 Engineering Report for such use, Provision F.19 and its Nitrogen Plan requirement appear to be duplicative. Rather, Provision F.19 should only apply if the City determines that there are no feasible recycled water projects. After an initial period of time to investigate feasibility for a recycled water project (CVCWA recommends 365 days), the City would then be required to submit a Nitrogen Management Plan within 365 days after that initial investigatory period that indicates how the City intends to comply with applicable groundwater limitations for nitrate. As part of that plan, the City should include a proposed time schedule for completing any actions and improvements that may be necessary.

V. Provision F.20

Similar to our comments above with respect to Effluent Limitation B.3, Provision F.20 as proposed does not clearly create a time schedule that protects the City. To provide for clarity, and to ensure that the City is properly protected, CVCWA recommends the opening sentence to Provision F.20 be revised as follows:

"To allow the Discharger sufficient time to achieve compliance with Effluent Limitation B.3, the Discharger shall, in accordance with, comply with the following time schedule, comply with Effluent Limitation B.3."

Regarding the Salinity Management Plan in the proposed schedule (Provision F.20.a), CVCWA does not support the specific requirements in Provision F.20.a that would require the City to analyze particular efforts such as further treatment and the use of liquid detergents at laundry facilities. CVCWA believes that the requirements specified here are too restrictive considering that the levels of electrical conductivity (EC) in the source water, influent, and effluent are fairly low for the region. Further, the Central Valley Water Board has recently adopted a Basin Plan amendment that would allow dischargers such as the City to apply for an exception to the EC effluent limitation contained in the Tulare Lake Basin Plan. In light of the City's circumstances, it may be an appropriate candidate for such an exception. As such, the Salinity Management Plan should allow for application of an exception to the current effluent limitation, assuming that the State Water Resources Control Board approves the exception policy in the near future.

Next, CVCWA is concerned that five years is not a sufficient amount of time to comply with a salinity-based effluent limitation. Thus, CVCWA recommends that Provision F.20.d be added as follows:

The Central Valley Water Board may modify these time schedules based on evidence that meeting the compliance date is technically or economically infeasible.

VI. Coordination With CV-SALTS

Overall, CVCWA is concerned that Provisions F.19 and F.20 of the Tentative Order are premature in light of the ongoing CV-SALTS Basin Planning process. CVCWA is also concerned that Provision F.22 does not adequately capture the scope of CV-SALTS, and the long-term sustainable management planning associated with the comprehensive CV-SALTS efforts. Specifically, Provisions F.19 and F.20 would appear to require strict compliance with effluent and groundwater limitations for salinity and nitrate at either the point of discharge, or in first encountered groundwater. However, rather than limiting compliance

determinations to the point of discharge, CV-SALTS process is looking at many issues and options with respect to how dischargers and the Central Valley Regional Board could evaluate and consider compliance with salinity and nitrate limitations. This includes consideration of actual impacts to groundwater where the beneficial use is actually occurring, and developing plans for protection of those beneficial uses. The strict compliance approach proposed here does not appear to be consistent with the discussions in CV-SALTS as it does not appear to take into consideration if actual beneficial uses are actually being harmed. Consequently, this could result in costly new treatment that ultimately does little to protect beneficial uses, where the use is actually occurring.

To better incorporate CV-SALTS' comprehensive and long-term sustainability management plans, once they are adopted, CVCWA recommends that Provision 22 of the Tentative Order be revised as follows:

The Central Valley Water Board is currently implementing the CV-SALTS initiative to develop a Basin Plan amendment that will establish a comprehensive salt and nitrate management plan for the Central Valley. Through this effort, the Basin Plan may be amended to include long-term, sustainable management measures for salts and nitrates, and may be amended to define how the salinity-based narrative water quality objectives are to be interpreted for the protection of agricultural use. Once the salt and nitrate management plan (or plans) is complete, the Discharger shall have the option to revise any Nitrogen Plan or Salinity Management Plan developed under Provisions F.19 or F.20, so that Discharger-specific plans are consistent with plans developed through CV-SALTS.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or eoofficer@cvcwa.org.

Sincerely,



Debbie Webster
Executive Officer

cc (via email): Pamela Creedon, Central Valley Regional Water Quality Control Board
(pcreedon@waterboards.ca.gov)